

DETAILED REMARKS

In Final Office Action mailed on 12/28/2004 examiner considered applicant's arguments re first office action of 10/20/2004, however, found them not persuasive. Examiner stated that the arguments are moot because the claims did not contain what applicant was arguing for.

Applicant would respectfully suggest that considering the claims in their entirety, applicant arguments were not mute. These arguments were directed toward what was stated in the claims, even though the specific language might have differed from the way the claims were expressed. Applicant respectfully points out that the preamble of independent claims 1 and 14 explicitly stated: "apparatus for issuing instructions" and "method for issuing instructions". Applicant refers to MPEP 2111.02 for the relevant court cases that: "If the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is 'necessary to give life, meaning, and vitality' to the claim, then the claim preamble should be constructed as if in the balance of the claim." Also, the claim limitations all recited "instruction" as a distinguishing feature. Applicant respectfully suggest that the claims of the present invention are to be construed in the framework of the preambles, and of the explicit recital of "instruction" in the limitations. Accordingly, applicant incorporates herein the detailed remarks of the 10/20/2004 reply. However, to more fully express the scope of the present invention, while not limiting the claims within the meaning of "Festo", applicant amended independent claims 1 and 14. These amendments are conscious to contain language pointed out by examiner.


The specification supports the amended claims, particularly, the first paragraph on page 9, the last paragraph on page 11, all of page 15, and figures 1, 2, 4, and 5.

All other claims are the original ones.

CLOSING STATEMENTS

Applicant submits that with the presently amended claim set, this application is now in condition for allowance, which action is respectfully requested.

Respectfully,



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